

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

**Manohar Hasrajani, Claimant v. Wachovia Securities, LLC, Stephen D. Viets, David L. Kistner,
Gordon C. Hammond, and Hughes & Hammond, Respondents**

Case Number: 04-06476

Hearing Site: Las Vegas, Nevada

Nature of the Dispute: Customer v. Member, Associated Persons, and Non-Member

REPRESENTATION OF PARTIES

For Claimant:

**Michael N. Feder, Esq.
Beckley Singleton, CHTD
Las Vegas, Nevada**

**For Respondents Wachovia Securities, LLC,
Stephen D. Viets, and David L. Kistner:**

**Michael J. Abbott, Esq.
Robert J. Girard, II, Esq.
Jones, Bell, Abbott, Fleming & Fitzgerald
Los Angeles, California**

For Respondent Gordon C. Hammond:

**Georlen K. Spangler, Esq.
Law Office of Kolesar & Leatham, CHTD
Las Vegas, Nevada**

For Respondent Hughes & Hammond:

**Hughes and Hammond
Las Vegas, Nevada**

CASE INFORMATION

Statement of Claim filed: September 8, 2004

Claimant's Uniform Submission Agreement signed: September 7, 2004

Statement of Answer filed by Respondent Wachovia Securities, LLC: November 22, 2004

**Respondent Wachovia Securities, LLC's Uniform Submission Agreement signed: November 30,
2004**

Statement of Answer filed by Respondent Gordon C. Hammond: November 17, 2004

Respondent Gordon C. Hammond's Uniform Submission Agreement signed: October 5, 2004

CASE SUMMARY

Claimant alleged breach of fiduciary duty, unauthorized trading, failure to in act in accordance with stated investment objectives, failure to monitor customer accounts, breach of duty of fair dealing, fraud, manipulation, deception, and misrepresentation.

Respondent Wachovia Securities, LLC denied the allegations of wrongdoing set forth in Claimant's Statement of Claim and asserted various affirmative defenses.

Respondent Gordon C. Hammond denied the allegations of wrongdoing set forth in Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$43,887.00 in compensatory damages, \$300,000.00 in punitive damages, \$29,508.57 for loss of estimated future value at 5%, \$4,331.76 in commissions and fees paid, and \$75,000.00 in estimated accounting, legal, and consulting expenses paid.

Respondent Wachovia Securities, LLC requested dismissal of Claimant's Statement of Claim in its entirety and costs.

Respondent Gordon C. Hammond requested dismissal of Claimant's Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Stephen D. Viets and David L. Kistner did not file with NASD Dispute Resolution properly executed submission agreements. However, said Respondents are required to submit to arbitration and are bound by the determination of the Panel on all issues submitted.

On November 19, 2004, Claimant dismissed Respondent Stephen D. Viets because he was not involved in the alleged investment-related sales practice violations. Respondent Stephen D. Viets was dismissed prior to the filing of Respondents Wachovia Securities, LLC and Gordon C. Hammond's Answer.

On November 19, 2004, Claimant dismissed Respondent David L. Kistner because he was not involved in the alleged investment-related sales practice violations. Respondent Stephen D. Viets was dismissed prior to the filing of Respondents Wachovia Securities, LLC and Gordon C. Hammond's Answer.

On November 19, 2004, Claimant dismissed Respondent Hughes & Hammond because it was not involved in the alleged investment-related sales practice violations. Respondent Hughes & Hammond was dismissed prior to the filing of Respondents Wachovia Securities, LLC and

Gordon C. Hammond's Answer.

Claimant and Respondents Wachovia Securities, LLC and Gordon C. Hammon have entered into a confidential settlement agreement pursuant to which Claimant has agreed to dismiss his claims with prejudice as to Respondents Wachovia Securities, LLC and Gordon C. Hammond. Because Respondents Stephen D. Viets and David L. Kistner were not involved in the alleged sales practice violations, and because Claimant and Respondents Wachovia Securities, LLC and Gordon C. Hammond have settled the claims between them, the Panel grants the parties' joint request that an Award be issued expunging the references to this proceeding from NASD's Central Registration Depository ("CRD") records of Respondents Stephen D. Viets and David L. Kistner.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, and the Parties' request for this Stipulated Award, the Panel decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants and Respondents Wachovia Securities, LLC and Gordon C. Hammond have entered into a confidential settlement agreement.
2. The Panel accepts the dismissal of each and every one of Claimant's claims asserted against Respondents with prejudice.
3. The Panel recommends the expungement of all reference to the above referenced arbitration from Respondents Stephen D. Viets and David L. Kistner's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 04-16, Respondents Stephen D. Viets and David L. Kistner must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. Unless specifically waived in writing by NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents. Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact:

Stephen D. Viets and David L. Kistner were not involved in the alleged investment-related sales practice violation.

4. The parties shall bear their respective costs, including attorney's fees.
5. All other relief requested and not expressly granted is denied.

FEEs

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Wachovia Securities, LLC is a party, and the following fees are assessed:

Member Surcharge	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel or between the parties and the Chair. The following fees are assessed:

Two (2) pre-hearing conference sessions with the Panel @ \$1,125.00/session	= \$ 2,250.00
Pre-hearing conferences: January 14, 2005 1 session	
June 30, 2005 1 session	
Total Forum Fees	= \$ 2,250.00

1. The Panel assessed \$562.50 of the forum fees to Claimant Manohar Hasrajani.
2. The Panel assessed \$1,406.25 of the forum fees to Wachovia Securities, LLC.
3. The Panel assessed \$281.25 of the forum fees to Gordon Hammond.

Fee Summary

1. Claimant Manohar Hasrajani is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 862.50
Less payments	= \$(1,425.50)
Refund Due Claimant	= \$ (562.50)

2. Respondent Wachovia Securities, LLC is charged with the following fees and costs:

Member Fees	= \$5,200.00
Forum Fees	= \$1,406.25
Total Fees	= \$ 6,606.25
Less payments	= \$(5,200.00)
Balance Due NASD Dispute Resolution	= \$ 1,406.25

3. Respondent Gordon C. Hammond is charged with the following fees and costs:

Forum Fee	= \$ 281.25
Balance Due NASD Dispute Resolution	= \$ 281.25

All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

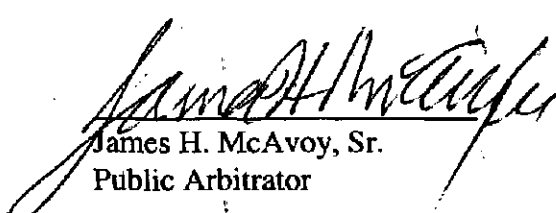
ARBITRATION PANEL

<i>Jordan H. Bodenstein, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>James H. McAvoy, Sr.</i>	-	<i>Public Arbitrator</i>
<i>Harvey M. Hudgins</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Jordan H. Bodenstein, Esq.
Chair, Public Arbitrator

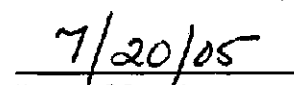
Signature Date


James H. McAvoy, Sr.
Public Arbitrator


Signature Date

Harvey M. Hudgins
Non-Public Arbitrator

Signature Date


Date of Service

ARBITRATION PANEL

Jordan H. Bodenstein, Esq.

Public Arbitrator, Presiding Chair

James H. McAvoy, Sr.

Public Arbitrator

Harvey M. Hudgins

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Jordan H. Bodenstein, Esq.

Jordan H. Bodenstein, Esq.
Chair, Public Arbitrator

7/18/05

Signature Date

James H. McAvoy, Sr.
Public Arbitrator

Signature Date

Harvey M. Hudgins
Non-Public Arbitrator

Signature Date

7/20/05
Date of Service

ARBITRATION PANEL

<i>Jordan H. Bodenstein, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>James H. McAvoy, Sr.</i>	-	<i>Public Arbitrator</i>
<i>Harvey M. Hudgins</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Jordan H. Bodenstein, Esq.
Chair, Public Arbitrator

Signature Date

James H. McAvoy, Sr.
Public Arbitrator

Signature Date


Harvey M. Hudgins
Non-Public Arbitrator

7-13-05
Signature Date

7/20/05
Date of Service